

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

b

SECTION P

WILLIE C. GRAY

CIVIL ACTION 1:16-CV-01275

VERSUS

JUDGE TRIMBLE

M.D. CARVAJAL, *et al.*

MAGISTRATE JUDGE PEREZ-MONTES

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**MEMORANDUM ORDER**

Willie C. Gray (“Gray”) filed a complaint alleging claims pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671, *et seq.* (Docs. 1, 5). Gray was released from incarceration with the Bureau of Prisons about five months after filing this action (Doc. 11).

When Gray filed this action he was permitted to proceed *in forma pauperis* (Doc. 8). Because he was a prisoner when he filed this action, Gray was subject to the Prison Litigation Reform Act (“PLRA”). The PLRA provides that a prisoner who brings a civil action “shall be required to pay the full amount of a filing fee,” although the fee may be paid in installments where leave to proceed *in forma pauperis* is granted. 28 U.S.C. § 1915(b)(1). If leave to proceed *in forma pauperis* is granted, the Court assesses and collects an initial partial filing fee from the custodial institution, which subsequently withdraws funds from the prisoner's inmate trust account and forwards those funds to the Court in installments. See § 1915(b)(1) and (2). The provision that allows for payment of the filing fee in installments only applies while the prisoner remains in custody. See 28 U.S.C. § 1915(b)(2).

Where the prisoner is no longer in custody, withdrawal of funds from his inmate trust account to pay the fee in installments is no longer an option. Mabry v. TDCJ, 2013 WL 4522684, at \*1 (E.D. Tex. Aug. 23, 2013). A prisoner who brings an action remains subject to the provisions of the PLRA requiring full payment of the filing fee, however, even if he is subsequently released from custody. See Gay v. Tex. Dep't of Corr. State Jail Div., 117 F.3d 240, 242 (5th Cir. 1997).

Accordingly, IT IS ORDERED that Gray shall pay the balance owed on his filing fee of \$307.91 (as shown in the attached statement) within **30 days** from the date of this Order. Failure to do so may result in dismissal of this complaint.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 15th day of November, 2017.



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Joseph H.L. Perez-Montes  
United States Magistrate Judge